

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 16th day of September, 2013 the City Council of the City of Aransas Pass convened in a Regular Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT:	Adan Chapa	Mayor
	Phillip Hyatt	Mayor Pro Tempore
	Ramiro Gomez	Council Member
	Vickie Abrego	Council Member

ABSENT:	Billy Ellis	Council Member
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ADMINISTRATIVE PERSONNEL PRESENT:	Allen Lawrence	City Attorney
	Sylvia Carrillo	City Manager
	Yvonne Stonebraker	City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT:

STAFF PRESENT:	Amanda Torres	Administrative Assistant
	Bill Haines	EMC/Admin Coordinator
	Brittany Mathews	APAC Director
	Earl Buckmaster	Harbor Master
	Eric Blanchard	Chief of Police
	Michael Holmes	Building Official
	Paul Alvarado	Public Works Director
	Sandy Roddel	Finance Director
	Donna Cox	Municipal Court Judge
	Rick Kilgore	Fire Chief
	Sarah Lee	Civic Center Director
	Aaron Jones	Police Officer
	Jason Padron	Firefighter
	Nathan Borrego	Firefighter
	Deven Ouellette	Firefighter
	Ryan Stacy	Firefighter

OTHERS PRESENT:	Annita West, Don Payte, Carol Salinas, Jim & Alpha Covington, Rosemary Vega, Donald & Jeanie Brummett, Ernie & Olivia Torres, Irwin & Pat Walters, Lupe Torres, Estela Torres, Terry Stansberry, Cheryle Stansberry, Sandi Keirn, Hope Comingore, Luke Sasser, David Dear, April Sasser, Dee Blasingame, Cari Fuller, Cindy Niswonger, Charles Ives, Cari Fuller, Erik Aguirre, EJ Burris, Barb Oxford, Kathryn Foley, EJ Burris, Patsy Lawrence
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There may have been others present who did not sign in.

1. **CALL MEETING TO ORDER.**

Mayor Chapa called the meeting to order at 7:00 P.M. on September 16, 2013.

2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Mayor Chapa gave the invocation and led the Pledge of Allegiance to the United States Flag.

Mayor Chapa stated that Agenda Item 14 should read "Reconvene Special Meeting and Act on Findings of Executive Session Pursuant to Chapter 551 of Texas Government Code."

3. **CONSENT AGENDA.**

A. **CONSIDER AND ACT ON MINUTES OF SEPTEMBER 3, 2013.**

Council member Abrego asked for a clarification on the minutes of September 3, 2013, Agenda Item #20, Consider and Act Approving Phase III of the Water Conservation/Drought Contingency Plan. City Manager Carrillo explained that the City would enter Phase III of the Plan when the City of Corpus Christi entered Phase III.

Mayor Chapa also asked for a correction on Agenda Item #13 of the minutes of September 3, 2013, Consider and Act on Request by Mr. Mike Moore for Hotel/Motel Funds for the International Fishing Association not to exceed \$3,300.00. The amount requested from the Hotel Motel Tax was \$3,200.00.

In addition, Mayor Chapa asked for a correction on Agenda Item #14 of the minutes of September 3, 2013, Consider and Act on Request by Mr. Mike Moore for Hotel/Motel Funds for the Haynie Boat Show not to exceed \$2,700. Mayor Chapa requested the addition that the Mayor cast the deciding vote on the item.

Mayor Pro Tem Hyatt made a motion to approve the consent agenda with corrections. Council member Abrego seconded the motion and the motion carried unanimously.

4. **CONSIDER AND ACT ON AWARDING POLICE K9 OFFICER MISCHA OVER TO SGT. AARON JONES AS MISCHA WILL BE RETIRING FROM HER POLICE SERVICE BEGINNING OCTOBER 1, 2013.**

Police Chief Eric Blanchard explained that in finding, he felt that budgeted funds for the Police Department would better used elsewhere rather than the K-9 Program. The cost per year is around \$20,000. Other similarly sized cities are also discontinuing their K-9 Programs. Sgt. Aaron Jones introduced K-9 Officer Mischa to the Council and meeting attendees. Mayor Chapa offered his thanks to her for her work for the City.

Mayor Pro Tem Hyatt made a motion to award Police K-9 Officer Mischa to Sgt. Aaron Jones as Mischa will be retiring from her police service beginning October 1, 2013. Council member Gomez seconded the motion and the motion carried unanimously.

5. **CONSIDER AND ACT ON TAX RE-SALE PROPERTY: SUIT NO. S-05-1097-TX; ARANSAS PASS INDEPENDENT SCHOOL DISTRICT, CITY OF ARANSAS PASS AND SAN PATRICIO COUNTY VS. TOMMY CAPERS, INDIVIDUALLY AND DBA FARO, CO., ET AL; ACCT. NO. 0011-0571-0013-004; LOTS 13, 14, 15 AND 16, BLOCK 'G' (NCB 571), MACKEY'S FIRST ADDITION, CITY OF ARANSAS PASS, SAN PATRICIO COUNTY, MAP RECORDS OF SAN PATRICIO COUNTY, TEXAS.**

City Manager Carrillo explained that the bid offered was \$6,100.00 by Next Lots, LLC of Lancaster, TX for four lots of property. The City would receive around \$1,200.00 of the proceeds of the sale. The current value of the lots is \$30,000. City staff assessed other properties in the City that were also acquired by the bidding company and none of the properties were in compliance with City code. City Manager Carrillo stated that staff would recommend not accepting the bid.

Council member Abrego made a motion to deny the request to sell tax re-sale property: Suit No. S-05-1097-TX; Aransas Pass Independent School District, City of Aransas Pass and San Patricio County vs. Tommy Capers, Individually and dba Faro, Co., et al; Acct. No. 0011-0571-0013-004; Lots 13, 14, 15 and 16, Block 'G' (NCB 571), Mackey's First Addition, City of Aransas Pass, San Patricio County, Map Records of San Patricio

County, Texas. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

6. **CONSIDER AND ACT ON REQUEST OF PASTOR LUKE SASSER FOR USE OF THE SHRIMPOREE GROUNDS FROM OCTOBER 5 TO OCTOBER 20, 2013 FOR A JOINT MINISTERIAL TENT REVIVAL.**

City Manager Carrillo explained that the Pastors of the affiliated churches approached the City for the use of the Shrimporee Grounds. Currently, the City lacks a temporary special event permit which coordinates various City departments to check on safety issues on the premises.

Pastor Luke Sasser of New Hope Church briefly described the two-week tent revival event to the City Council.

Council member Gomez made a motion to approve the request of Pastor Luke Sasser for use of the Shrimporee grounds from October 5 to October 20, 2013 for a joint Ministerial Tent Revival. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

7. **CONSIDER AND ACT ON PROPOSED FISCAL YEAR 2013-2014 ARANSAS PASS CRIME CONTROL AND PREVENTION DISTRICT BUDGET.**

City Manager Carrillo stated that the board asked to re-review expenses and assess funds to allocate to other projects, such as funding an additional code enforcement officer. This officer would have full citation authority. In addition, Crime Board funds would supplement the funding of a Gang Officer and a School Resource Officer.

APCCPD President Terry Stansberry reviewed the amount of revenues and expenses budgeted for fiscal year 2013.

Mayor Pro Tem Phillip Hyatt made a motion to accept the proposed fiscal year 2013-2014 Aransas Pass Crime Control and Prevention District Budget. Council member Abrego seconded the motion and the motion carried unanimously.

8. **CONSIDER AND ACT ON AMENDING THE FISCAL YEAR 2012-2013 ARANSAS PASS MUNICIPAL DEVELOPMENT DISTRICT BUDGET.**

City Manager Carrillo explained there were a few issues with actual figures from fiscal year 2012-2013. The fiscal year 2012-2013 shortfall was projected to be \$250,000. However, the shortfall was estimated to be \$221,000 at the end of the fiscal year. The Civic Center exceeded sales projections for the year. For fiscal year 2013-2014, the Civic Center operating loss is expected to be \$209,000.

Mayor Chapa asked how the City planned to address the Civic Center's operating losses. City Manager Carrillo responded that these types of venues rarely break even. Most are turned over to private firms to manage and bring in larger events. The City of Aransas Pass brought management responsibilities in-house and has reduced its operating loss significantly. However, it is possible that in the future, the Civic Center operating loss would have to be supported by the General Fund since the Municipal Development District's first obligation is to pay the bonds that built the venue.

Mayor Chapa then asked if the City looked at methods to gain revenue. City Manager Carrillo responded that City staff conducted a review of all similar venues in the area and the Civic Center is similarly priced to other venues. The City Manager would prefer to raise prices because of the quality of the facility; however, to stay competitive, prices need to stay the same.

APMDD President Hope Comingore explained that \$31,000 of the shortfall is designated for Civic Center repairs. Repairs include repainting the entire interior and other minor

maintenance issues. Therefore, without the additional \$31,000 designated to repairs, the shortfall would be similar to last year's shortfall and what is projected for fiscal year 2013-2014. The projected shortfall is contingent on no major repairs occurring during the year.

City Manager Carrillo stated that a particular negotiation point for talking with potential developers, such as hotel developers, is to ask the companies to pay off the bonds for the Civic Center.

APMDD budget amendments were needed because district expenses were reduced from \$8,400 to \$4,800 and the operating loss was reduced from \$250,000 to \$221,000.

Mayor Pro Tem Hyatt made a motion to amend the fiscal year 2012-2013 Aransas Pass Municipal Development District budget. Council member Gomez seconded the motion and the motion carried unanimously.

9. CONSIDER AND ACT ON PROPOSED FISCAL YEAR 2013-2014 ARANSAS PASS MUNICIPAL DEVELOPMENT DISTRICT BUDGET.

City Manager Carrillo stated that district expenses would be projected to be \$5,800 and the operating loss would be projected to be \$209,000.

Mayor Pro Tem Hyatt made a motion to accept the proposed fiscal year 2013-2014 Aransas Pass Municipal Development District Budget. Council member Gomez seconded the motion and the motion carried unanimously.

10. PUBLIC HEARING NO. 2 ON FISCAL YEAR 2013-2014 CITY OF ARANSAS PASS BUDGET.

City Manager Carrillo stated she and City Staff scrubbed the fiscal year 2013-2014 City of Aransas Pass budget as much as they could. The City Manager recommended that the Fire Safety Fee remain in the budget to give relief in the General Fund.

Columns were added in the budget to show prior commitments by previous city managers that did not get council approval. There was \$264,422 in encumbered expenses in fiscal year 2011-2012, which would draw down the fund balance to \$1.8 million. Fiscal year 2012-2013 would require an additional drawdown of around \$300,000 for items that include the match for the Texas Parks and Wildlife Boating Access Grant, which is for the bulkhead repair at Conn Brown Harbor. The amount encumbered by the Boating Access Grant was \$202,137. It was identified in fiscal year 2011-2012 but incurred in fiscal year 2012-2013. Budget amendments would be required for those two items.

In addition, actual sales tax receivables were \$90,000 less than projected, Municipal Court revenue was \$140,000 less than projected, and the Water-Sewer Fund was able to transfer an additional \$100,000 into revenues.

Mayor Chapa asked where the expenses were incurred. City Manager Carrillo explained that the Aquatic Center incurred a loss of \$89,597 in fiscal year 2011-2012 and there was a substantial loss at the Citizen Collection Station at \$175,000. When the audit closed, the items had to be accounted for and the transfer had already occurred. However, no formal council action has been taken.

Sales tax receivables were also lower than expected in fiscal year 2012-2013. In addition, the matching funds for the Boating Access Grant had been committed without formal council action.

Mayor Chapa asked if there was an expiration on the grant. City Manager Carrillo explained that funds had not been spent as of yet. She also stated that the City Council had an option not to accept the funds and not complete the bulkhead repair at Conn Brown Harbor.

City Manager Carrillo said that for the fiscal year 2013-2014 budget, the directors had identified new revenue sources and reduced expenses. A new revenue source includes changing fees at the Citizen Collection Station. This is especially important because a plan to control the brush being discarded at the site needs to be instated in order for TCEQ to answer favorably to the City's request to burn brush that is currently at the site.

Also, engineering expenses have been reduced to nearly zero. The drawing down of fund balance will result in a balance of \$1.5 million, which will affect the City's credit rating. The City should be relieved of some debt within the next 18 months. City Manager Carrillo stated that every item that comes before the City Council should have a financial impact worksheet attached.

\$135,000 of the fiscal year 2013-2014 budget was earmarked for special projects. Projects include park equipment (\$35,000), street repair (\$65,000), the Pelican Cove fence (\$20,000) and the Saunders Street improvements (\$15,000). There is an additional \$25,000 incorporated into the budget for street repairs.

Also discussed was the operating loss for the Aquatic Center. While the General Fund will transfer funds to the Aquatic Center to cover losses of \$126,000, there will still be an additional \$113,000 operating loss at the end of the year. Mayor Chapa asked what City staff was doing to offset losses. City Manager Carrillo responded that the City was looking at marketing options, such as becoming a Google small business partner.

Council member Abrego expressed disappointment in learning of these expenses and requested that at least a monthly report on the budget be provided. Holding the Boating Access Grant was discussed as an option but City Manager Carrillo was not sure if there were any legal stipulations that would prevent the City to do that. City Attorney Allen Lawrence said that he thought the City ought to continue the grant to make Conn Brown Harbor more attractive to potential developers.

Mayor Pro Tem Hyatt asked what City staff planned to do with dumping in the flats and on the roads of the City. City Manager Carrillo responded that the new Code Enforcement Officer would help in addressing that issue. Mayor Pro Tem Hyatt then asked Police Chief Eric Blanchard if any of the officers reported illegal dumping. Police Chief Blanchard responded that he has had incidences where the officers reporting illegal dumping and also briefly mentioned a proposed camping ordinance he was working on that would also help curb dumping.

City Manager Carrillo and the City Council reviewed street improvement numbers. She also mentioned that one of the City's Animal Control Officers was funded by the Crime Control District. In fiscal year 2013-2014, that position will be funded by the city and \$38,000 will be designated for public health issues, such as mowing overgrown lots and vector control. City Manager Carrillo advised that the City should look into using funds available from the San Patricio Drainage District to pay for related City drainage expenses.

City Manager Carrillo also explained that in fiscal year 2012-2013, the janitorial department was created as its own entity with expenses being divided among departments. Also the Inspections department was moved out from under Public Works department and a staffer was added.

Mayor Chapa recessed the Open Meeting and opened Public Hearing #2 on the fiscal year 2013-2014 budget at 7:55 p.m.

Ms. Carol Salinas expressed her support of the good things the City was working on but voiced disapproval for the Pelican Cove fence project. She also commented that she was able to hear the council members much better through the speaker system.

Ms. Cari Fuller asked what citizens could do to help the Fire Department meet their goals and if they could give private donations. City Manager Carrillo responded that private donations would be allowed.

Mayor Chapa reconvened the Open Meeting at 8:00 p.m.

11. **CITY MANAGER UPDATES: CITY OF ARANSAS PASS' ISO RATING**

City Manager Carrillo stated that she would not be meeting with Naismith Engineering until Monday, September 23. They were having difficulties consolidating the information the City had requested.

City Manager Carrillo also gave an update on the ISO rating for the City. The scale is from 1 to 10, with 1 being the highest rating and 10 being the lowest. The City has dropped from a 4 to a 5. Reasons behind the lowered rating include not adopting updated building codes. She stated higher ratings mean higher insurance policies. ISO knows City of Aransas Pass is restructuring and has given the city 60 days to correct.

12. **CITIZENS' COMMENTS**

City Ms. Hope Comingore stated not all brush is being picked up. She stated maybe that was the problem causing the illegal dumping around town. Ms. Comingore suggested the City get a computerized suggestion box.

Mr. Earl Buckmaster stated the TML Region 11 Meeting held at the civic center was a success. He stated he had a great time on the boat ride, civic center decorations were awesome and the shrimp, Grant Erickson and Redfish Willies donated, was wonderful.

13. **RECESS SPECIAL MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.**

Mayor Chapa recessed the Open Meeting and retired to Executive Session at 8:27 p.m.

A. SECTION 551.074 – DELIBERATIONS REGARDING PERSONNEL MATTERS – MUNICIPAL COURT JUDGE

14. **RECESS SPECIAL MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.**

Mayor Chapa reconvened the Open Meeting at 8:40 p.m.

A. SECTION 551.074 – DELIBERATIONS REGARDING PERSONNEL MATTERS – MUNICIPAL COURT JUDGE

No action taken.

15. **ADJOURNMENT OF MEETING.**

Council Member Hyatt made a motion to adjourn the meeting. Council Member Abrego seconded the motion and the motion carried unanimously.

Mayor Chapa adjourned the meeting at P.M.

Adan Chapa, Mayor

Attest:

Yvonne Stonebraker, City Secretary